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3 Assistant Federal Public Defender  
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7 Attorney for CARLOS VASQUEZ-ORTIZ

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9 **UNITED STATES DISTRICT COURT**  
10 **DISTRICT OF NEVADA**

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 CARLOS VASQUEZ-ORTIZ,

15 Defendant.

Case No. 3:21-cr-00023-MMD-WGC

**MOTION TO DISMISS**

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17 Mr. Vasquez-Ortiz moves through his counsel LAUREN GORMAN, Assistant Federal  
18 Public Defender, to dismiss the indictment against him on the grounds that Section 1326  
19 violates the equal protection guarantee of the Fifth Amendment under the standard articulated  
20 in *Village of Arlington Heights v. Metropolitan Housing Development Corp.*, 429 U.S. 252  
21 (1977). Mr. Vasquez-Ortiz incorporates by reference the record in *United States v. Carrillo-*  
22 *Lopez*, No. 3:20-cr-00026-MMD-WGC, including the order dismissing the indictment against  
23 Mr. Carrillo-Lopez and finding he established that Section 1326 was enacted with a  
24 discriminatory purpose and that the law has a disparate impact on Latinx persons, and the  
25 government failed to show that Section 1326 would have been enacted absent racial animus. *Id.*  
26 at ECF No. 60.

1 For the reasons set forth in the Court's order in United States v. Carrillo-Lopez, 3:20-  
2 cr-00026-MMD-WGC at ECF No. 60, Mr. Vasquez-Ortiz respectfully requests that the  
3 indictment against be dismissed with prejudice.

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5 DATED this 19th day of August, 2021.

6 RENE L. VALLADARES  
7 Federal Public Defender

8 By: /s/ Lauren D. Gorman

9 LAUREN D. GORMAN  
10 Assistant Federal Public Defender  
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**CERTIFICATE OF ELECTRONIC SERVICE**

The undersigned hereby certifies that she is an employee of the Federal Public Defender for the District of Nevada and is a person of such age and discretion as to be competent to serve papers.

That on August 19, 2021, she served an electronic copy of the above and foregoing MOTION TO DISMISS by electronic service (ECF) to the person named below:

CHRISTOPHER CHIOU  
Acting United States Attorney  
RANDOLPH J. ST. CLAIR  
Assistant United States Attorney  
400 South Virginia Street, Suite 900  
Reno, NV 89501

/s/ Katrina Burden  
Employee of the Federal Public Defender